

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2168 - SB 2103

February 28, 2018

SUMMARY OF BILL: Requires the Department of Environment and Conservation (TDEC) to issue National Pollutant Discharge Elimination System (NPDES) permits to any concentrated animal feeding operation (CAFO) that is required to have a permit under federal law and to any CAFO that requests a permit.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Currently, TDEC issues permits to CAFOs under the Water Quality Control Act, compiled in Title 69, Chapter 3, Part 1. Tennessee Code Annotated § 69-3-103(6) authorizes TDEC to adopt a more stringent definition of CAFO than the EPA.
- Public Chapter 293 of the Public Acts of 2017 has an effective date of March 1, 2018. Should Public Chapter 293 become effective, TDEC's authority to adopt a more stringent definition than the EPA would be stripped.
- The proposed legislation amends Public Chapter 293 to create a voluntary permit program. CAFOs required to have a permit under the federal Clean Water Act would still need a NPDES permit issued by TDEC.
- For all other CAFOs, a permit is not required, but the CAFO may request a permit from TDEC. Upon request, TDEC must issue the permit. TDEC does not charge a fee for issuing such permits.
- The proposed legislation will not significantly impact TDEC's policies or operations.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee".

Krista M. Lee, Executive Director

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